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PATENT

Serial No. 09/623,945

Amendment in Reply to Final Office Action of August 14, 2006

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated August 14, 2006. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-4 and 14-30 are currently pending in the Application, wherein claim 30 is added by this amendment. Claims 10-13 are canceled herein without prejudice rendering any rejections related thereto as moot. The Applicants respectfully reserve the right to reintroduce subject matter canceled herein in this or continuing applications. Claims 1, 3, and 30 are independent claims.

Claims 1, 2, 10, 11, 14, 15, and 25-29 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,122,379 to Barbir ("Barbir"). Claims 1-4, 10-24 and 27-29 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,332,194 to Bloom ("Bloom"). These rejections are respectfully traversed.

Barbir shows a system of compressing and encrypting data. The Office Action interprets the induced randomness of Barbir as the supplemental data in terms of the currently pending claims (see,

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Office Action, page 4, numbered paragraph 8 and page 6, numbered paragraph 12). However, the Barbir system is for secure encryption of the resulting output stream. To this end, "[t]he method introduces randomness into the compressed data such that the resulting data can only be decoded by a system that uses both the same modeler and the same encryption key ..." (See, Barbir, Col. 5, lines 30-33.) The security of the system resides in the fact that the randomness can not be recovered from the encoded data, hence the need for the same modeler and initialization for both the encoder and the decoder (e.g., see Babir, Col. 8, lines 54-56).

It is respectfully submitted that the method of Claim 1 is not anticipated or made obvious by the teachings of Barbir. For example, Barbir does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "recoverably embedding supplemental data by inserting the supplemental data into the data using at least one parameter which is altered in order to embed the supplemental data; deriving the at least one parameter from the data prior to encoding; and encoding the data, the recoverably embedded supplemental data, and the altered at least one parameter, wherein the data is encoded using

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an algorithm that is determined by the altered at least one parameter" as required by Claim 1.

Based on the foregoing, the Applicants respectfully submit that independent Claim 1 is patentable over Barbir and notice to this effect is earnestly solicited. Claims 2, 14, 15, 18, 20, 21, 22, and 25-29 depend from Claim 1 and accordingly are allowable over Barbir for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

Regarding Bloom, the Office Action has interpreted the data characteristics as controlling the algorithm since the data characteristics affect the output of the algorithm (see, Office Action, page 5, numbered paragraph 9). The Applicants again find this construction as not to be how the terms of the claims would be interpreted by a person of ordinary skill in the art. An algorithm that acts on a data set is not "controlled" by the data set (data characteristics in terms of Bloom). It is respectfully submitted that an algorithm is typically independent of the data set that the algorithm acts on, as in Bloom wherein regardless of the data, the

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selected algorithm, whether it be MPEG, MPEG2, JPEG, etc., is the same algorithm regardless of the data set it is acting on. It is not the case that a different compression algorithm is selected (e.g., algorithm is controlled by ...) due to a change in the data set. As pointed out in the Office Action (see, Office Action, page 5, numbered paragraph 9), the data set selection merely changes the output of the algorithm. Accordingly this interpretation is respectfully traversed. However, in the interests of expediting the prosecution of this application, the Applicants have elected to amend the claims. The Applicants however respectfully submit that the claims are not amended for purposes of patentability and are entitled to a full range of equivalents under the doctrine of equivalents.

It is respectfully submitted that the method of Claim 1 is not anticipated or made obvious by the teachings of Bloom. For example, Bloom does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "recoverably embedding supplemental data by inserting the supplemental data into the encoded data using at least one parameter which is altered in order to embed the supplemental data;

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deriving the at least one parameter from the data prior to encoding; and encoding the data, the recoverably embedded supplemental data, and the altered at least one parameter, wherein the data is encoded using an algorithm that is determined by the altered at least one parameter" as required by Claim 1.

Further, it is respectfully submitted that the method of Claim 3 is not anticipated or made obvious by the teachings of Bloom. For example, Bloom does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "partitioning the data into frames; determining a set of parameters for each frame; reducing the data rate of the input signal by applying an algorithm determined by an affected parameter set whereby encoded data includes one of the set of parameters and at least data which can be used to derive the set of parameters, the data rate-reduced signal, and recoverably embedded supplemental data, wherein the set of parameters is affected by the supplemental data" as required by Claim 3.

Based on the foregoing, the Applicants respectfully submit that independent Claims 1 and 3 are patentable over Bloom and notice to this effect is earnestly solicited. Claims 2, 14, 15,

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18, 20, 21, 22, and 25-29 depend from Claim 1 and accordingly are allowable over Bloom for at least this reason as well as for the separately patentable elements contained in each of said claims. Claims 4, 16, 17, 19, 23 and 24 depend from Claim 3 and accordingly are allowable over Bloom for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

Further, it is respectfully submitted that Claim 30 is allowable at least for similar reasons as provided above regarding Claims 1 and 3. Separate consideration and allowance of Claim 30 is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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It is believed that no additional fees or charges are currently due for entrance of the accompanying amendment other than those paid by the attached credit card authorization for filing of the Request for Continued Examination (RCE). However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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Enclosures: Request for Continued Examination (RCE)
Authorization to charge credit card fee for filing
the RCE

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